

MEETING #38 - October 8

At a Regular Meeting (#1) of the Madison County Board of Supervisors on October 8, 2019 at 4:00 p.m. at the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: R. Clay Jackson, Chair
Amber Foster, Vice-Chair
Kevin McGhee, Member
Charlotte Hoffman, Member
Jack Hobbs, County Administrator
Sean Gregg, County Attorney
Jacqueline S. Frye, Deputy Clerk

ABSENT: Jonathon Weakley, Member

Call to Order, Pledge of Allegiance & Moment of Silence

Determine Presence of a Quorum/Adopt Agenda

Chairman Jackson noted that a quorum was present.

Chairman Jackson called for the following additions to today's Agenda:

2b: Census Committee Report (T. Gardner)

2c: Blue Ridge Committee Report (B. Bowman)

Supervisor McGhee moved that the Agenda be adopted as presented, seconded by Supervisor Foster. **Aye: Jackson, Foster, McGhee, Hoffman. Nay: (0). Absent: Weakley.**

Public Comment

Chairman Jackson opened the floor for public comment. The following individual(s) provided comments:

- Joe May (Whippoorwill Road): Feels there is no need for a bond issue in Madison County.

With no further public comments being brought forth, the public comment opportunity was closed.

Special Appearance

1. Consideration: Rappahannock Rapidan Community Services Board Annual Report (Jim LaGraffe):

Jim LaGraff, Executive Director of the Rappahannock Rapidan Community Services, was present to provide specifics of the RRCSB's:

- ❖ Mission to its' clientele
- ❖ Types of services provided to Madison (i.e. daily case management in Madison in Arcade Building; staff rotates services for mental health, substance abuse, individuals with disabilities and aging needs) & participating localities
- ❖ New things happening at the RRCS
- ❖ Steps taken to a balanced budget
- ❖ Additional funding will be forthcoming for the Crisis Intervention Center

- ❖ Performance Contracts & Service Outcomes for Madison County (i.e. developmental, health, emergency/ancillary, substance abuse, agency on aging, etc.)
- ❖ RRCS local tax funding for FY2020 (operations, expenditures)
- ❖ Area Agency on Aging Value Profile

Mr. LaGrafte also noted that:

- ❖ Madison County currently has three (3) citizen representatives serving on the RRCSB
- ❖ Additional funding will soon be available for allocation to the Crisis Intervention Center
- ❖ The RRCS provides case management services out of the Arcade Building (in Madison) on a daily basis; staff rotate between providing services for mental/developmental health, substance abuse and aging.
- ❖ The State now contracted a private provider for transportation services (for patients) as opposed to utilizing local law enforcement, with a two (2) hour window for transport following an initial assessment at the crisis center. Eight percent (8%) of those receiving the aforementioned services are from Madison County.

Mr. LaGrafte referred to a Resolution being presented for consideration and approval by the Madison County Board of Supervisors regarding the RRCS FY20 Performance Contract with the Department of Behavioral Health & Developmental Services & the Area Plan for Aging Services, as presented.

Supervisor McGhee moved that the Board approve Resolution #2019-14, seconded by Supervisor Hoffman. **Aye: Jackson, Foster, McGhee, Hoffman. Nay: (0). Absent: Weakley.**

The Resolution reads as follows:

***RESOLUTION TO RECEIVE THE RAPPAHANNOCK RAPIDAN COMMUNITY SERVICES (RRCS)
FISCAL YEAR 2020 PERFORMANCE CONTRACT WITH THE DEPARTMENT OF BEHAVIORAL
HEALTH AND DEVELOPMENTAL SERVICES AND THE AREA PLAN FOR AGING SERVICES***

WHEREAS, in July 2019, the RRCS adopted its Performance Contract with the Department of Behavioral Health and Developmental Services, and its Area Plan for Aging Services with the Department of Aging and Rehabilitative Services; and

WHEREAS, the Madison County Board of Supervisors has received a request from RRCS that it endorse the Contract and Plan by acknowledging that the Board of Supervisors participated in a presentation review process and has no further additional comments;

NOW, THEREFORE, BE IT RESOLVED, on this 8th day of October, 2019, that the Madison County Board of Supervisors hereby endorses the Fiscal Year 2020 RRCS Performance Contract with the Department of Behavioral Health and Developmental Services and the 2020 Area Plan for Aging Services, and acknowledges that the Board participated in the presentation review and had no additional comments regarding the Contract or Plan.

Adopted on this 8th day of October, 2019.

Constitutional Officers

2. Presentation: Commissioner of the Revenue on Disabled Veterans Fund (Daniel): Brian Daniel, Commissioner of the Revenue, was present and issued a memorandum that clarified (in accordance with § 58.1-3219.5) real property tax relief for 100% service-connected, permanent, and total disabled veteran and surviving spouses, that allows a 100% disabled veteran, or the surviving spouse of a disabled veteran, who has provided the required application and documentation for the tax exemption, to be entitled to the tax exemption, beginning on the date of the disability rating, to include all prior years back to and including 2011. It was further explained that as we move further away from 2011 (the year in which the exemption), it creates a large potential liability for the County. Based on the opinion and statement (of Mark R. Herring, Attorney General on June 22, 2017): *"A disabled veteran, or the surviving spouse of a disabled veteran, who has provided the required affidavit or written statement showing compliance with all applicable requirements for the tax exemption provided by the General Assembly in §§ 58.1-3219.5 and 58.1-3219.6, is entitled to enjoy that tax exemption, beginning on the date of the disability rating, including all prior years back to and including 2011. The locality is not liable for any interest on any refund due to the veteran for taxes paid prior to the veteran's filing of the required affidavit or written statement. Further, an erroneous assessment arising from a mistake of a taxpayer is entitled to administrative correction under § 58.1-3980."*

Although there is some liability, it was noted that there is guidance that suggest the liability can be limited in the Commonwealth of Virginia Department of Veteran's Services - Policy & Guidelines for Commissioners of the Revenue and Other Assessing Officials for §§58.1-3219.5 and 58.1-3219.9 Q & A section.

Questions that have been presented focused on the following:

In closing, the Board members were encouraged to review the information provided along with related code sections to support the request to honor the exemption back to the effective date of January 1, 2011. Furthermore, the Board of Supervisors were advised that a disabled veteran applicant has made application and submitted the required documentation in which they are entitled the real property tax exemption dating back to tax year 2011, which resulted in a total refund amount of \$16,444.34.

County Departments:

2b. Census Committee (Gardner): Tracey Gardner, Director of Economic Development & Tourism, was present to advise that the grand opening for the Tap 29 Brewery has been changed to Friday instead of Saturday. It was further noted that Kathleen O'Connell of the 2020 Census Project, has suggested that the County adopt a resolution to establish a 2020 Census Madison County Complete County Committee. In closing, she noted that there are some folks who are interested, and efforts are being made to encourage the local churches and other citizen groups to help promote the importance of the 2020 census project.

The County Administrator suggested that the County promote the information being provided concerning the 2020 census through its web site and eblast programs and advise all of the importance of all citizens being included in the overall census count.

EMS: John Sherer, Director of Emergency Management, was present to announce that the fire season usually starts about October 15th through November in the State of Virginia; many localities in the southern part of the State are already under a 'burn ban' due to the region being so dry (determined by the Department of Forestry).

New Telephone System: Roger Berry, Director of Facilities, noted that the new telephone system is in place and working appropriately. Accolades to the Finance Director.

County Planner: Ligon Webb, County Planner, was present and advised that the Building/Zoning Technician position should be filled shortly. It was further noted that the Building Official vacancy may also be filled shortly.

DSS: Valerie Ward, Director of Social Services, was present and noted that a group (of about twenty-five [25] people) has been meeting for the past three (3) months to look at ways to help provide assistance for those individuals who don't qualify for SNAP benefits, but are eligible to receive food through MESA; recent efforts focused on:

- Partnering with the Blue Ridge Area Food Bank
- Targeting homebound senior citizens who are unable to get to MESA daily (i.e. home delivered box)
- Volunteers are being sought to actually deliver the home boxed meals (i.e. churches are active in the facet of the program).

And:

- Partnering with Culpeper County's local food pantry
- Establish a drive-thru set-up with no financial eligible for anyone that needs a box of food

E911: Brian Gordon, Director of Emergency Communications, was present to report that a meeting on the proposed radio system was held earlier today; there are many facets that continue to be discussed.

Planning Commission: Stephen Carpenter, Commission member, was present to advise that the commission is working on discussing:

- a. *Whether an event ordinance is necessary for Madison County*
- b. *Agri-tourism*
- c. *Whether to allow four (4) homes on a private drive*
- d. *Whether to continue the requirement of there needs to be three (3) acres*

Commonwealth Attorney: Clarissa Berry, Commonwealth Attorney, was present and reminded all in attendance of the Domestic Violence Awareness event hosted by the Victim-Witness Office at 6:00 p.m. on Thursday, October 10, 2019 at the John Carpenter Pavilion (Hoover Ridge).

Committees or Organizations

Blue Ridge Committee: Bruce Bowman of the Blue Ridge Committee/SNP, was present to advise that he, the County Administrator and Jim Ballard attended a recent meeting of the BRC; recent meeting consisted of a presentation by Carol Nash; noted that a report of the findings during the archaeological dig of the SNP parking lot; Superintendent Flynn has advised that Madison County will be allowed to borrow anything found in the archives or other artifacts located at the park. Although the annual budget has continued to remain 'flat' for the past several years, park staff (of about 184) are dedicated and do an exceptional job with the resources that are available to them; visitation has ranged from 1,400,000 to 1,500,000 annually. In light of the oncoming fire season, fire crews have been bought in from the west to be readily available to the Department of Forestry or Shenandoah National Park.

The County Administrator advised that Madison County has a significant voice in the representatives that attend the BRC meetings; also noted that the County has an initiative with the national park to refresh/update operating agreements that pertain to public safety.

John Sherer, Director of Emergency Management, was present and advised that existing dry conditions, humidity and high winds in the region make the area prime for robust fires. Plans will also be made to meet with Mr. Bowman to discuss updating the multi-operational and public safety agreement as these relate to the national park.

- *Chairman Jackson: Encouraged Mr. Bowman to feel free to come to future meetings to provide a report.*

Finance (Costello)

3. Consideration: Various Supplemental Appropriations (Costello)

a. Sheriff Asset Forfeiture Accounts - State & Federal (FY20 Proposed Supplemental Appropriation #05_10082019 - \$40,900): The Finance Director advise that the supplemental appropriation is a request to appropriate FY20 funds in the Sheriff's Asset Forfeiture Funds.

Supervisor McGhee moved that the Board approve FY2020 supplemental appropriation #6 (\$40,900), seconded by Supervisor Foster. *Aye: Jackson, Foster, McGhee, Hoffman. Nay: (0). Absent: Weakley.*

b. Commonwealth's Attorney Asset Forfeiture Accounts - State & Federal (FY20 Proposed Supplemental Appropriation #06_10082019 - \$458.66): The Finance Director advised that the supplemental appropriation is a request to appropriate FY20 funds into the Commonwealth's Attorney Asset Forfeiture funds.

Supervisor Foster moved that the Board approve FY20 proposed supplemental appropriation #7 (\$458.66), seconded by Supervisor Hoffman. *Aye: Jackson, Foster, McGhee, Hoffman. Nay: (0). Absent: Weakley.*

c. Sheriff Associates Fund (FY20 Proposed Supplemental Appropriation #07_10082019 - \$7,700.00): The Finance Director advised that the request is to appropriate FY20 funds in the Sheriff's Associate Fund.

Supervisor McGhee moved that the Board approve FY20 proposed supplemental appropriation #8 (\$7,700.00), seconded by Supervisor Foster. *Aye: Jackson, Foster, McGhee, Hoffman. Nay: (0). Absent: Weakley.*

d. Regional Juvenile Detention Center FY19 True Up (FY20 proposed supplemental appropriation #9 \$29,508.00): The Finance Director advised that the request is to appropriate additional funds from contingency to pay for FY19 true up from the Rappahannock Juvenile Detention Center.

- *Chairman Jackson: Who attends as the County's representative at the Rappahannock Juvenile Detention Center meetings*

To which it was advised that Nan Coppedge attends to represent the County.

The Finance Director advised that she will review the funding formulas currently being utilized by the facility.

- Joe May: Questioned the outcome of the inmate that experienced a serious medical procedure.

Erik Weaver, Sheriff, was present and advised that the individual in question is no longer the responsibility of the County at this time.

Supervisor Foster moved that the Board approve FY20 supplemental appropriation #9 (\$29,508.00), seconded by Supervisor Hoffman. *Aye: Jackson, Foster, McGhee, Hoffman. Nay: (0). Absent: Weakley.*

e. Employer Share of Employee Health Insurance Premium Cost (FY20 Proposed Supplemental Appropriation #10_10082019 - \$99,884.42): The Finance Director advised that the request is to appropriate additional funds from contingency to pay for increased healthcare costs in FY20, excluding costs for the school system and DSS.

Supervisor McGhee moved that the Board approve FY20 proposed supplemental appropriation \$10 (99,884.42), seconded by Supervisor Foster. *Aye: Jackson, Foster, McGhee, Hoffman. Nay: (0). Absent: Weakley.*

4. Discussion: School Board Appropriation: The Finance Director gave a report on the school board's budget request that was received after the County budget was adopted. A 'half-year' appropriation was approved for the school with the understanding that better information would be available to the Board of supervisors in order to settle the matter before Christmas 2019. At this time, the school system isn't requesting any funding in excess of the County's adopted budget or any additional money to fund the difference between what the County approved and what the school received. In closing, it was suggested that the Board review categorical allocations (made to the school system) and assess the numbers.

The County Administrator also noted that the school system will need additional funding for 'soft costs' associated with the various school projects that are underway and suggested there be some communication regarding today's discussion at the next CIP meeting session.

The Finance Director was asked to take the lead in coordinating with the school administration regarding the school's budget and capital improvement funding requests and preparing any needed appropriation documents for the Board's approval.

County Telephone System: It was reported that the new county telephone system is now officially up and running well. Accolades to the Finance Director, Facilities Director, and all others that were involved with the implementation of the new county telephone system.

Minutes (Frye)

Chairman Jackson called for corrections, deletions or adoption of the meeting minutes.

5. Consideration: September 24, 2019 Minutes (#35)

Supervisor Hoffman moved that the Board approve the minutes of September 24, 2019 (#35), seconded by Supervisor Foster. *Aye: Jackson, Foster, McGhee, Hoffman. Nay: (0). Absent: Weakley.*

6. Consideration: October 2, 2019 Minutes (#36)

Supervisor McGhee moved that the Board approve the minutes of October 2, 2019 (#36), seconded by Supervisor Foster. *Aye: Jackson, Foster, McGhee, Hoffman. Nay: (0). Absent: Weakley.*

Old Business

7. Presentation: Status Report on Codification Project: The County Administrator advised that staff's work on the codification project is virtually complete; final comments are needed from the Board in order for the project to be transmitted to Municode in order for a formal document to be returned to the County for final approval following a public hearing is scheduled. Following approval, any changes would be by a "supplement" to the County Code. Codification of all County Ordinances in the new format (i.e. chapter, topic, etc.) have been added to the County's website.

The County Attorney advised of his desire to have something to Municode by the end of November 2019, and suggested the Board review all documentation by October 31, 2019.

8. Presentation: Status Report on Personnel Study: The County Administrator advised that there is still work to be done on the job descriptions (Commonwealth Attorney and Clerk of the Circuit Court employees). The background check ordinance has also been advertised for the meeting scheduled for October 29, 2019. There is still work to be done on the personnel study.

After discussion, it was agreed that any comments to the Board on the personnel policy proposal are to be submitted by October 18, 2019 so they can be compiled for review and discussion by the Board on October 29, 2019.

9. Zoning Case No. SP-08-19-10: Site Plan approval request from Shenandoah Hills RV Resort & Cottages, LLC (AKA Madison Vines) (Tabled on October 2'2019): *No VDH correspondence received as of 11:00 a.m. today*

The County Attorney advised that nothing has been received for the health department on Case No. SP-08-19-10 for tonight's session.

Supervisor McGhee moved that the Board table Case No. SP-08-19-10 until October 29, 2019, seconded by Supervisor Foster. *Aye: Jackson, Foster, McGhee, Hoffman. Nay: (0). Absent: Weakley.*

New Business

10. Discussion: Upcoming Committee Appointments: The Deputy Clerk provided the following information:

- ❖ *FAPT: In light of Robin Breckenridge's resignation, her slot on the FAPT Board; is vacant.*
- ❖ *Resolution for Roy Bradley is framed and waiting to be delivered by the Board Chairman*
- ❖ *There will be three (3) vacancies on the Planning Commission effective 1/31/2020 (copy of current list provided)*
- ❖ *The Board members were encouraged to review the list to assess which board/committee/commission you would like to serve on in 2020*
- ❖ *All Board members need to register for the Conflict of Interest training (as required by the Ethics Council) by 12/31/2019*
- ❖ *The members were asked if anyone desired to attend a Local Government Advisory Committee tour scheduled for October 24th & 25th in Chesapeake. After discussion, anyone willing to attend the*

Tour was asked to advise the Deputy Clerk; members were also encouraged to:

The Board agreed to review the list of committees/boards/commissions at the 1st meeting in

November for anticipated upcoming vacancies and to request applicants for any seats where reappointments are not practical so that seats could be filled at the first meeting in December.

Information/Correspondence

11. Correspondence: Monthly Reports

Public Comment

Chairman opened the floor for public comment. The following individual(s) provided comment(s):

- Carty Yowell: Asked for clarification on the October Regular Meeting #2 (i.e. changed from October 22nd to October 29th).
- Valerie Ward: Advised that DSS is anxious to hire qualified staff to fill Ms. Breckenridge's position; Mr. McDowell is doing an excellent job on the DSS Board.

With no further comments being brought forth, the public comment opportunity was closed.

Closed Session

12. Closed Session (Negotiations [2.2-3711(A)(29)] & Personnel [2.2-3711(A)(1)])

On motion of Supervisor Foster, seconded by Supervisor Hoffman, the Board convened in a closed session pursuant to Virginia Code Section 2.2-3711(A)(29) *for discussion and award of a public contract involving the expenditure of public funds for financial advisory services, and discussion of the terms or scope of such a contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Board of Supervisors, and 2.2-3711(A)(1) for discussion on the performance of the County Administrator, seconded by Supervisor Hoffman. Aye: Jackson, Foster, McGhee, Hoffman. Nay: (0). Absent: Weakley.*

Supervisor Foster moved that the Board re-convene in open session, seconded by Supervisor Hoffman. *Aye: Jackson, Foster, McGhee, Hoffman. Nay: (0). Absent: Weakley.*

Supervisor Foster moved to certify that only matters lawfully exempted from open meeting requirements pursuant to Virginia Code Sections 2.2-3711(A) (29) and 2.2-3711(A)(1) and only matters that were identified in the motion to convene in a closed session were heard, discussed or considered in the closed meeting, seconded by Supervisor McGhee. *Aye: Jackson, Foster, McGhee, Hoffman. Nay: (0). Absent: Weakley.*

Items discussed following the closed session:

- A September 23, 2019 report by the Virginia Department of Agriculture & Consumer Services Official regarding her September 11, 2019 report of the Madison County Animal Shelter. The County Administrator was asked to make a copy of the report available to the local press.
- It was noted that the October 22nd meeting has been cancelled.

Adjourn

With no further action being required, Supervisor McGhee moved that the meeting be continued to October 29, 2019 at 6:00 p.m., seconded by Supervisor Foster. *Aye: Jackson, Foster, McGhee, Hoffman. Nay: (0). Absent: Weakley.*

R. Clay Jackson, Chairman
Madison County Board of Supervisors

Clerk of the Board of the Madison County Board of Supervisors
Copies: Board of supervisors, County Attorney & Constitutional Officers
Adopted on: October 29, 2019



Agenda
Regular Meeting
Madison County Board of Supervisors
Tuesday, September 24, 2019 at 4:00 p.m.
County Administration Building, Auditorium
414 N Main Street, Madison, Virginia 22727

Call to Order, Pledge of Allegiance & Moment of Silence Determine Presence of a Quorum / Adopt Agenda

PublicComment

Special Appearances

1. Consideration: Rappahannock Rapidan Community Services Board Annual Report (Jim LaGrafte)

[Resolution #2014-14 (RRCS FY2020 Performance Contract)]

Constitutional Officers

- 2(a). Presentation: Commissioner of the Revenue on Disabled Veterans Fund (Daniel)

County Departments

2(b). Census Committee (Gardner)

Committees and Organizations

2(c). Blue Ridge Committee (Bowman)

Finance

3. Consideration: Various Supplemental Appropriations (Costello)

- a. Sheriff Asset Forfeiture Accounts – State and Federal
- b. Commonwealth’s Attorney Asset Forfeiture Accounts – State and Federal
- c. Sheriff Associates Fund
- d. Regional Juvenile Detention Center FY19 True Up
- e. Employer Share of Employee Health Insurance Premium Cost

4. Discussion: School Board Appropriation (Costello)

Minutes

- 5. Consideration: September 24, 2019 Board of Supervisors Meeting Minutes (Frye)
- 6. Consideration: October 2, 2019 Board of Supervisors Meeting Minutes (Frye)

Old Business

- 7. Presentation: Status Report on Codification Project (Hobbs)
- 8. Presentation: Status Report on Personnel Study (Hobbs)
- 9. Zoning Case No. SP-08-19-10: Site plan approval request from Shenandoah Hills RV Resort & Cottages, LLC (AKA Madison Vines) (Tabled on October 2, 2019)

New Business

- 10. Discussion: Upcoming Committee Appointments (Frye)

Information/Correspondence

- 11. Correspondence: Monthly Reports

Public Comment

Closed Session: Negotiations & Personnel

Adjourn

AMENDMENTS NOTED IN ROYAL BLUE WITH YELLOW HIGHLIGHT